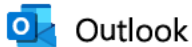


Exhibit 3




FW: Follow up

From Jhaveri, Sejal (CRT) <Sejal.Jhaveri@usdoj.gov>

Date Mon 10/14/2024 5:31 PM

To Remlinger, Brian (CRT) <Brian.Remlinger@usdoj.gov>; Muench, Kevin (CRT) <Kevin.Muench@usdoj.gov>

 1 attachments (145 KB)

Full Analysis Non-Citizens VERIS Review.pdf;

From: Olsen, Eric <EOlsen@pwcgov.org>

Sent: Monday, October 14, 2024 12:45 PM

To: Jhaveri, Sejal (CRT) <Sejal.Jhaveri@usdoj.gov>

Subject: [EXTERNAL] RE: Follow up

Per your request, please find the attached document which covers the research completed by our staff on this topic at the request of my Electoral Board.

Eric Olsen

Director of Elections/General Registrar

Prince William County Office of Elections

www.pwcvotes.org

9250 Lee Ave Suite 1

Manassas, VA 20110

703-792-6470 (Office)

From: Jhaveri, Sejal (CRT) <Sejal.Jhaveri@usdoj.gov>

Sent: Monday, October 14, 2024 11:14 AM

To: Olsen, Eric <EOlsen@pwcgov.org>

Cc: Remlinger, Brian (CRT) <Brian.Remlinger@usdoj.gov>

Subject: Follow up

This email is from an EXTERNAL source. Use caution when replying or clicking embedded links.

Registrar Olsen,

Thank you for speaking with us recently. We would like to request a copy of the research you apparently sent to the Prince William County Electoral Board referenced in your comments at the September 30 Electoral Board meeting. Thank you for considering the request.

Thanks,

Sejal Jhaveri

Trial Attorney

U.S. Department of Justice

Civil Rights Division

Voting Section

(202) 305-7376
(202) 532-5610 (cell)
Pronouns: she/her/hers

From: [Olsen, Eric](#)
To: [Scarborough, Keith](#); [Dillon, Mark](#); [Steverson, London](#)
Subject: Full Analysis Non-Citizens VERIS Review
Date: Friday, May 17, 2024 6:55:00 PM

You all asked me to look into what Jeff Fuller reported as “31 voters in PRINCE WILLIAM COUNTY cast 74 illegal ballots” and that he believes we should “consider referring this matter to the PWC Commonwealth Attorney and the Attorney General for investigation of class six felony voting law violations.” These are incorrectly assumed facts on his part and indicative of a lack of understanding of the process.

SUMMARY:

After thoroughly reviewing a larger data pool than reported, this data demonstrates NO basis that any “illegal ballots” have been cast by individuals nor any grounds for appropriately referring the matter to the Commonwealth’s Attorney. If anything, there is ample and consistent evidence that these individuals are fully qualified U.S. citizens who have had their voter registration cancelled due to an honest mistake and poor form design. Our office is complying with all state list maintenance procedures and legal obligations.

RESEARCH AND DATA SET

Natalia Taylor and I investigated this matter and I want to thank her for doing a lot of research on this matter. During an active election, this issue took up roughly 5 combined days of our time to examine voting records in depth and explain the nuance here. We both worked additional unpaid hours beyond our required hours to not interrupt our election-related duties.

We looked at nearly the last year of data (a wider data set than that reported by Mr. Lareau) from May of 2023 through February of 2024 during which 162 voters have been cancelled for the VERIS reason “declared non-citizen.”

It should be noted that this reason is a VERIS classification and is NOT dispositive of the individuals not being citizens nor of documentation challenging their citizenship. Among the 162 cancellations we reviewed:

- Roughly $\frac{3}{4}$ of this group has never cast a ballot.
- Only 43 individuals have a voting history ranging mostly between 2012-2020.

EVIDENCE OF CITIZENSHIP

In looking at the specific cohort of 43 voters with voting history, here are three important commonalities:

1. All 43 individuals have a voter registration application where they affirmed being a US citizen.
2. All 43 individuals indicated a social security number that can generally only be obtained by a US citizen.
3. All 43 individuals were cancelled after updating their information at the DMV.

DMV FORM CHALLENGES

If an individual does not affirm their citizenship on their initial application, their registration would have been DENIED. However, these individuals were CANCELLED. And the reason they were cancelled is NOT because ELECT received information they are illegally in the country, but likely due to failure to check a box. Take a look at the DMV's form and look at why a voter might miss this question on this particular form:

<https://www.dmv.virginia.gov/sites/default/files/forms/dl1p.pdf>

If you notice, the location of the citizenship question is in the top of the form OUTSIDE the form's main application. It could easily be confused as an "Office Use Only" section. Additionally, with these forms on clipboards, the citizenship section could be partially or fully covered to someone using the form. Furthermore, we know voters sometimes make mistakes on forms in general. There are several important notes here:

1. The DMV form makes missing this question more likely than occurs on voter registration forms.
2. ELECT does not receive images of the DMV forms (the data is simply transferred), so ELECT has limited data and acts to cancel the registration in the absence of more specific information or an application image.
3. A voter's registration is NOT cancelled if a voter that has already affirmed their citizenship on their registration form simply omits answering the question on an update form.

So, this is a special circumstance where the form design and process create cancellations for citizens that have provided ample evidence of their citizenship. While it is unfortunate, we have noted many times that there are certain responsibilities you have in registering and voting to maintain your right. And much like a mail ballot with missing information, an omission here can change the outcome. These voters are sent a notice of their pending cancellation, but the timeframe to respond is very short, they may not receive it, might ignore it, and/or may have language barriers that prevent understanding it.

With same-day registration, these voters have an option that enables them to register and vote if they are unfairly cancelled. Anecdotally, we have a number of voters who have complained to our office about being cancelled because of this DMV process after decades of being registered and being citizens born in this country. We work to assist them in correcting the issue.

FURTHER ANALYSIS

After being triggered to be cancelled by the DMV omission, these voters do have two weeks to reverse the cancellation and affirm their status. We know that 26 of the 43 voters here either moved, re-registered, or affirmed their registration after the cancellation. The remaining 17 did not take action, but that does not indicate they are not legal citizens given barriers discussed previously and solid evidence they have usually repeatedly affirmed their citizenship on non-DMV forms. I researched some voters among this list who had checked the "Yes" box on past voter registration forms three to five times over many years. We confirmed every one of the 43 individuals has at least one citizen affirmation.

While I have no grounds to assume they cast invalid ballots, in the worst-case and highly unlikely scenario that these 17 people are not citizens, they make up 0.005% of PWC voters. Over the many years of elections we are talking about, the impact if all 17 of these voters were not valid would be approximately 0.0038% of election results. We have to deal with some imperfection in the system and stating our process is 99.996% accurate in a worst-case scenario is pretty excellent. But again, we have direct evidence these are extremely likely to still be qualified valid voters and who were qualified voters that cast legal ballots at the time they voted. There is no actual evidence of that worst-case scenario, but it is provided to demonstrate how unusually rare this is.

CONCLUSION

After review of a data set of 162 PWC voters cancelled for “non-citizen” status over the past 10 months, voters who cast ballots (43) prior to their registration cancellation were duly registered and met the requirements to vote in Virginia at the time they voted. ALL of the 43 voters affirmed their citizenship on their original voter registration form (many reaffirmed it 2-5 subsequent times as well), provided social security numbers, and were cancelled due to an omission at the DMV, a form with known shortcomings in design and data transfer limitations. Such a cancellation is required under VA Code 24.2-427 and does not occur if the voter simply has an omission when they complete a normal voter registration update if they have already affirmed their citizenship previously. Even after this type of cancellation (a VERIS term, not a description of the process), many of these voters reaffirmed their citizenship, moved, or re-registered to restore their registration status. Our office is following the correct protocols of Virginia Code and ELECT guidelines in processing these cancellations, even if it is unfortunate for many of these qualified voters. Several pieces of evidence common to ALL of them indicate they are qualified citizens. No law requires an omission of citizenship (after it had been affirmed) to be reported to legal authorities. No evidence exists that demonstrates any ballots were cast illegally. No judgment of the circumstances and facts here would make it a remotely appropriate use of my time or authority to report citizens who did not commit a crime, but who have already confirmed multiple times they are citizens and missed seeing a box on a poorly designed form.

Eric Olsen

Director of Elections/General Registrar

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